



UNITED STATES MARINE CORPS
MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA 28542-5001

BO 5830.7C
BMWR
10 OCT 91

BASE ORDER 5830.7C

DISTRIBUTION MADE

BY

Smekman

From: Commanding General
To: Distribution List

0800 18 Oct 91 (TIME & DATE)

Subj: INVESTIGATION OF MISSING, LOST, STOLEN OR DAMAGED MORALE, WELFARE AND RECREATION (MWR) PROPERTY

Ref: (a) MCC P4400.150C (NOTAL)
(b) JAG MAN (NOTAL)
(c) UM 4400-124 (NOTAL)
(d) SECNAVINST 5500.4E (NOTAL)
(e) BO P4400.5E, Chapter 8

1. Purpose. To publish procedures for the conduct of investigations concerning missing, lost, stolen, or damaged MWR property on charge to unit/organization/activity responsible officers.

2. Cancellation. Base Order 5830.7B.

3. Information

a. Background. Paragraph 6001 of reference (a) requires that missing, lost, stolen, or damaged government property belonging to or in the custody of the Marine Corps be made the subject of an investigation as prescribed in Chapter II of reference (b) if the cause of the condition is unknown or if an investigation is required to relieve an individual of responsibility or to determine responsibility. Accountability for Marine Corps MWR property items issued through the MWR Department Property Control Section remains with Base. However, the recreation property accounts are found within both organic and tenant commands and the responsible officers are members of those commands. As final responsibility for the control and safekeeping of government property lies with the commanding authority, this Order establishes that the responsibility for convening or waiving any required investigation lies with the responsible officer's commanding officer, regardless of major command. It also modifies the routing of completed reports of investigation to require that commanding officers forward them to the Commanding General, Marine Corps Base (Assistant Chief of Staff, Morale, Welfare and Recreation) so that they may be endorsed with accounting entry instructions.

b. Policy. In accordance with the provisions of paragraph 6004 of reference (a), all commanding officers exercising special court-martial jurisdiction will initiate investigative action into circumstances surrounding missing, lost, stolen, or damaged Marine Corps recreation property.

c. Exceptions

(1) Investigative action is not required when it is the opinion of the commander that no negligence is indicated in the loss of or damage to government property or for reasons known to the commanding officer, no negligence nor responsibility can be determined; and an investigation under those conditions would constitute an unnecessary administrative burden. Also, investigative action is not usually required when an individual accepts responsibility for the loss, damage, or destruction of government property and voluntarily offers to reimburse the government.

(2) All recreation property to be dropped and not subject to investigation may be placed on a Certificate of Disposition (CofD). The document should show a valid reason such as missing, lost, stolen or damaged. The CofD should contain a statement that investigation is waived in accordance with BO 5830.7C, that no carelessness nor negligence on the part of any individual charged with responsibility for the item can

RETURN TO CENTRAL FILES,
MCB WITHIN 48 HOURS

10 OCT 91

be determined, and that investigation would impose an unnecessary administrative burden. The CofD must be signed by a commander having special court-martial convening authority. Only properly prepared CofDs will be accepted and used in the master CofD prepared for the Commanding General's signature.

d. Contents of Reports of Investigation. The report of investigation submitted by an investigating officer must contain a specific opinion as to fault or negligence in accordance with paragraphs 6000.4 and 6006.4a of reference (a) and a specific recommendation to hold or not hold an individual responsible therefor.

4. ACTION

a. Responsible Officers. Unit/organization/activity responsible officers will report all cases of missing, lost, stolen, or damaged recreation property to the unit/organization commanding officer within 48 hours of discovery/notification, in accordance with reference (a).

b. Unit/Organization Commanding Officer will:

(1) Direct the responsible officer to prepare a CofD if the circumstances of the incident fall within the purview of paragraph 3c, above, or

(2) Convene an investigation to determine the circumstances of the loss or damage by appointing an officer, staff noncommissioned officer or civilian employee to conduct the inquiry and submit the required report.

(3) Submit a Missing, Lost, Stolen, and Recovered (MLSR) Property report to this headquarters (Assistant Chief of Staff, Logistics) with a copy to the Assistant Chief of Staff, Morale, Welfare and Recreation, Marine Corps Base, for any missing item which meets the requirements of references (d) and (e).

(4) Ensure that the individual responsible for the missing, lost, stolen, or damaged government property is counseled in accordance with paragraph 6007 of reference (a) as to voluntary reimbursement. Prior to acceptance of an individual's voluntary reimbursement, that individual will be advised, in writing, by a disinterested impartial officer not in that individual's chain of command, of the contents of paragraph 6007.1 of reference (a). Such advice will be acknowledged, in writing, by the individual advised.

(a) In addition to the action required in paragraph 6007 of reference (a), prior to acceptance of an individual's voluntary reimbursement, that individual will be advised, in writing, that the opportunity to consult with a judge advocate concerning the reimbursement will be afforded. In any case in which the individual waives, in writing, the right to consult with a judge advocate, the written waiver will be attached to the relevant investigative report and a copy will be attached to the voluntary consent for reimbursement.

(b) Replacement-in-Kind. If an individual desires to make voluntary reimbursement, it may be done in cash or by replacement of the item in kind. The individual should be referred to the MWR Property Control Section Supervisor in either case to receive guidance prior to making any payment or purchase. When an individual elects to replace an item in kind, a replacement item of equivalent quality and value will be procured at the individual's own expense and turned in to the MWR Property Control Section Supervisor, who will adjust property records as necessary. Individuals electing to replace an item in cash, will do so in accordance with paragraph 4b(4). Replacement in kind or in cash does not preclude an investigation if the circumstances warrant such an investigation.

(c) Cash Reimbursement. If the item was originally procured with non-appropriated funds, cash payment is appropriate. Each payment must be made to the MWR Department, Marine Corps Base. If the reimbursement is for an item originally procured with appropriated funds, the unit/organization commander will ensure that the organization's authorized Custodian prepares a Cash Sales/Request for Checkage for Government Property Form (NAVMAC 6) in accordance with figure 3-39 of reference (c). The triplicate copy will be used to support a "paid for" entry on the CofD.

10 OCT 91

c. Investigating Officer. Investigating officers will conduct the required investigations in accordance with the provisions of Chapter 6 of reference (a) and Chapter II of reference (b). Investigating officers are encouraged to seek additional advice and assistance from their respective command staff judge advocate's office during the conduct of the investigation.

d. Convening Authorities. All commanders must carefully review each investigation for accuracy of content and full compliance with applicable rules and regulations. Thereafter, the report should be returned to the investigating officer for corrective action or endorsed to this headquarters (Assistant Chief of Staff, Morale, Welfare and Recreation). Commanders must be specific as to approval or disapproval of facts, opinions and recommendations made by the investigating officer. Also, endorsements by commanders must reflect the specifics of any administrative or disciplinary action taken in the case against any individual due to fault or negligence and of any administrative action taken on the investigating officer's recommendation. Convening authorities within 2d Marine Division and 2d Force Service Support Group should route completed reports as follows:

- (1) Assistant Chief of Staff, G-1
- (2) Staff Judge Advocate
- (3) Commanding General
- (4) Commanding General, Marine Corps Base (Assistant Chief of Staff, Morale, Welfare and Recreation).

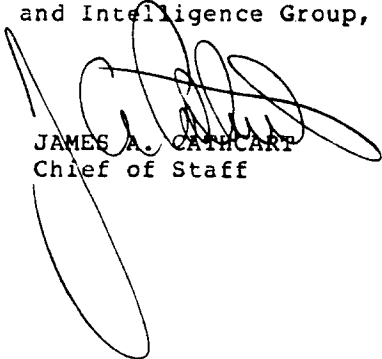
e. Assistant Chief of Staff, Morale, Welfare and Recreation. The Assistant Chief of Staff, Morale, Welfare and Recreation will receive and review all reports of investigation concerning missing or damaged recreation property submitted by unit/organization commanders. Command endorsement of such reports will forward them to the MWR Property Control Section for property disposition purposes or return them to the convening authority for corrective action. Complicated reports of investigation may be referred to the respective command staff judge advocate for advice as to substantial compliance with Chapter 6 of reference (a) and Chapter II of reference (b), and recommendations for appropriate disposition. The Assistant Chief of Staff, Morale, Welfare and Recreation will act to grant or deny requests submitted by the MWR division directors and the Human Services Director for investigations or for waivers of investigation relating to MWR property items on accounts held by responsible officers assigned to or employed by the MWR Department and the Human Services Directorate. Upon receipt of a completed investigation endorsed by the Assistant Chief of Staff, Morale, Welfare and Recreation, the MWR Property Control Section supervisor will credit the account of the responsible officer/individual and take other appropriate action indicated by the approved report of investigation.

f. Command Staff Judge Advocate. The convening authority will forward all completed reports of investigation via the respective command staff judge advocate, for information purposes and completion of a forwarding endorsement, to the Assistant Chief of Staff, Morale, Welfare and Recreation. If the command staff judge advocate desires, he may effect a review of complicated or defective investigative reports for substantial compliance with Chapter 6 of reference (a) and Chapter II of reference (b). The Assistant Chief of Staff, Morale, Welfare and Recreation may refer complicated or defective investigative reports to the respective command staff judge advocate for review. The command staff judge advocate will also provide advice and guidance, as requested, to all unit investigating officers during the conduct of missing or damaged recreation property inquiries.

g. Commanding Officer, Headquarters and Support Battalion, Marine Corps Base. In addition to handling investigative matters pertaining to property missing, lost, stolen, or damaged from battalion accounts, the Commanding Officer shall appoint investigating officers to conduct such investigations as may be required by the Assistant Chief of Staff, Morale, Welfare and Recreation for property on the accounts of responsible officers assigned to or employed by the MWR Department.

10 OCT 91

5. Concurrence. This Order has been coordinated and concurred in by the Commanding Generals, II Marine Expeditionary Force, 2d Marine Division, FMF, 2d Force Service Support Group, FMF, 2d Marine Expeditionary Brigade, FMFLant, and by the Commanding Officer, 2d Surveillance, Reconnaissance, and Intelligence Group, FMF.



JAMES A. CATHCART
Chief of Staff

DISTRIBUTION: A plus BMWR(10)